



Data Disclosure Policy

Our employees [and agents and partners and affiliates] and volunteers must take particular care when disclosing personal data to third parties, to ensure that there is no breach of the Data Protection Act or the law of confidence.

Disclosure may be unlawful even if the third party is a family member of the data subject, or a local authority, government department or the police. A key point to consider is whether the disclosure is relevant to and necessary for the conduct of the organisation's business.

For example, it would generally be appropriate to disclose a volunteer's telephone number in response to an enquiry relating to a function for which they are responsible, but it would not be reasonable or appropriate to disclose a volunteer's address or bank account details. The disclosure of personal data represents a form of processing of the data. This means that the conditions for fair and lawful processing of personal data and sensitive personal data set out in first Data Protection Principle must be met.

Consideration should also be given as to whether the disclosure was one of the purposes for which the data was originally gathered; in particular, whether the disclosure is covered by Education Otherwise's entry in the Information Commissioner's Public Register of Data Controllers, or is a purpose to which the data subject has consented. If not, the disclosure is likely to represent further processing contrary to the second Data Protection Principle.

Disclosure of personal data which are not sensitive personal data is most likely to be justified if one or more of the following conditions applies:

- The data subject has given his/her consent to the disclosure (e.g. at the time when the data were gathered);
- The disclosure is in the legitimate interests of Education Otherwise or of the third party to whom the data are to be disclosed, and does not prejudice the rights, freedoms or legitimate interests of the data subject;
- There is a statutory or legal obligation to disclose the data;
- The disclosure is required for the performance of a contract (e.g. between a member and a contractor);
- The disclosure is necessary to protect the vital interests of the data subject.

More stringent restrictions apply to the processing of sensitive personal data. The most likely conditions that would justify disclosure of sensitive personal data are:

- The data subject has given his/her explicit (ideally written) consent to the disclosure; or
- There is a statutory or legal obligation to disclose the data; or
- The disclosure is necessary to protect the vital interests of the data subject.

The Data Protection Act also allows personal data to be disclosed to third parties without the consent of the data subject, in the following circumstances:

- The disclosure is necessary for safeguarding national security;

- The disclosure is necessary for the prevention or detection of crime, or the apprehension or prosecution of offenders;
- The disclosure is necessary for the assessment or collection of any tax or duty;
- The disclosure is necessary for the discharge of regulatory functions (including the health, safety and welfare of people at work);
- The data to be disclosed are to be used for research purposes, subject to the rules governing the Use of personal data in research;
- The data are information which Education Otherwise is obliged by legislation to provide to the public;
- The disclosure of the data is required by legislation, rule of law or the order of a court.

Staff and volunteers should always exercise caution when dealing with requests from third parties for the disclosure of personal data, even just confirmation that an individual is an EO member. Disclosure requests should normally be required to be in writing, and should be responded to in writing.

Where reasonable, the party making the request should be required to provide a written statement explaining the purpose for which the data is requested, the length of time for which the data will be held, and an undertaking that the data will be held and processed according to the Data Protection Principles.

Where the request relates to the prevention/detection of crime, the apprehension or prosecution of offenders, assessment/collection of any tax or duty, or the discharge of regulatory functions, appropriate paperwork should be produced by the enquirer to support their request (e.g. official documentation stating that the information is required in support of an ongoing investigation).

Personal data should only be disclosed over the telephone in emergencies, where the health or welfare of the data subject would be at stake. If data have to be disclosed by telephone, it is good practice to ask the enquirer for their number and to call them back.

Members of Education Otherwise may have reasons for not wanting contact with parents, other relatives or friends. Requests from relatives, friends etc for the contact details of members should therefore be treated with caution. It is good practice to offer to pass on any message without providing contact details or even confirming or denying that the person is a member of Education Otherwise.

If in any doubt a volunteer should contact the Education Otherwise Data Protection Officer or EO Database Administrator (details in EO Newsletter) before disclosing any personal data.